UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF NEW JERSEY

EEOC/, 846-2009-32253 — EEOC COMPLAINT

LAURA PROANO
PLAINTIFF(S)

CIVIL NO. 14-5853 (SDW)

-vs-

UNITED PARCEL SERVICE, inc
("UPS")

DEFENDANT (S)

RECEIVED
SEP 19 2014
AT 8:30 M
WILLIAM T. WALSH, CLERK

1. This action is brought pursuant to Title VII of the Civil Rights Act of 1964, as amended, for employment discrimination. Jurisdiction is specifically conferred on this Court by 42 U.S.C. Section 2000e-5. Equitable and other relief are also sought under 42 U.S.C. 2000e-5(g). AMERICANS WITH DISABILITIES ACT OF 1990, AS AMENDED, 42 USCA SECTION 12101, ET SEQ., ALSO KNOWN AS "ADA".

2. Plaintiff (s) resides at 105 10ST STREET
Street Address

PASSAIC, PASSAIC, N.J., 07055
City, County, State

(973) 841-3046. MAILING ADDRESS: P.O. BOX 4192 PASSAIC, N.J. 07055
Phone Number

3. Defendant (s) lives at , or its business is located at 493 COUNTY AVE., SECAUCUS
(Street Address)

HUDSON, NEW JERSEY, (201) 325-2212.
(County) (State) (Phone Number)

4. Please state the address at which you sought employment 493 COUNTY AVE.

SECAUCUS, HUDSON, N.J..
City County State

5. State as nearly as possible when the discriminatory acts occurred:

5, JUNE, 2009.
Day Month Year

5a. If practice is continuing check the appropriate box:

X YES ____ NO

6. State as nearly as possible when you filed charges with the N.J. Division of Civil Rights regarding defendant's alleged discriminatory conduct: 19, JUNE, 2009.
Day Month Year

7. State as nearly as possible when you filed charges with the N.J. Division on Civil Rights regarding defendants alleged discriminatory conduct: 19, JUNE, 2009.
Day Month Year

8. The Equal Employment Opportunity Commission issued the attached Notice-Of-Right-To-Sue letter which as received by you on

JUNE, 21, 2014.

(Note: Please attach Notice-of-Right-to Sue letter to this Complaint)

9. The acts complained by you, in this suit, concern:

A._____ Failure to employ you.
B. ____ Termination of you employment.
C. ____ Failure to promote you.
D. X Other acts (please specify) DEFENDANT HAS FAILED TO PROVIDE ME WITH REASONABLE ACCOMMODATION UNDER THE ADA, AS DEFENDANT KNEW FULL WELL SUCH REQUESTED JOB ACCOMMODATION WAS POSSIBLE.

10. Defendant's conduct is discriminatory with respect to which of the following:

DEFENDANT'S CONDUCT IS DISCRIMINATORY WITH RESPECT TO ITS DUTY TO PROVIDE REASONABLE ACCOMMODATION UNDER THE ADA TO EMPLOYEE WITH QUALIFIED DISABILITY.

A.________________ Your Race
B. ________________ Your Color
C. ________________ Your Sex
D. ________________ Your Religion
E. ________________ Your National Origin
✓ DISABILITY (ADA)

11. A copy of the charge to the Equal Employment Opportunity Commission is attached to this complaint and is submitted as a brief statement of the facts of your claim.

12. If relief is not granted, plaintiff will be irreparably denied rights secured by the Title VII of the Civil Rights Act of 1964, as amended.

13. Plaintiff (s) has no adequate remedy at law to redress the wrongs described above.

WHEREFORE, Plaintiff (s) prays (check appropriate letter (s) as follows):

A. ________ That all fees, costs or security attendant to this litigation be hereby waived pursuant to affidavit of indigency submitted herewith.

B. ___X___ That the Court grant such relief as may be appropriate, including injunctive orders, damages and costs.

SIGNATURE OF PLAINTIFF

EEOC Form 161 (11/09)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Laura Proano**
PO Box 4192
Passaic, NJ 07055

From: **Newark Area Office**
1 Newark Center
21st Floor
Newark, NJ 07102

☐ *On behalf of person(s) aggrieved whose identity is CONFIDENTIAL (29 CFR §1601.7(a))*

EEOC Charge No.	EEOC Representative	Telephone No.
846-2009-32253	**Dana Marucci, Acting Enforcement Supervisor**	**(973) 645-6021**

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

☐ The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

☐ Your allegations did not involve a disability as defined by the Americans With Disabilities Act.

☐ The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

☐ Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge

☒ The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.

☐ The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

☐ Other *(briefly state)*

RECEIVED
SEP 19 2014
AT 8:30 M
WILLIAM T. WALSH, CLERK

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

John Waldinger,
Area Office Director

JUN 18 2014
(Date Mailed)

Enclosures(s)

cc: **R. Steve Ensor, Esq.**
Alston & Bird
One Atlantic Ctr.
1201 West Peachtree St.
Atlanta, GA 30309

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

RECEIVED

2009 JUN 18 PM 12:58

EEOC NEWARK AREA OFFICE

Charge Presented To: Agency(ies) Charge No(s):

☐ FEPA

☒ EEOC 846-2009-32253

State or local Agency, if any — and EEOC

Name (indicate Mr., Ms., Mrs.)	Home Phone (Incl. Area Code)	Date of Birth
Ms. Laura Proano	**(973) 841-3046**	**09-26-1963**

Street Address / City, State and ZIP Code

Po Box 4192, Passaic, NJ 07055

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (*If more than two, list under PARTICULARS below.*)

Name	No. Employees, Members	Phone No. (*Include Area Code*)
UPS	**500 or More**	**(201) 330-2315**

Street Address / City, State and ZIP Code

493 County Avenue, Secaucus, NJ 07094

Name	No. Employees, Members	Phone No. (*Include Area Code*)

Street Address / City, State and ZIP Code

DISCRIMINATION BASED ON (*Check appropriate box(es).*)

☐ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☐ NATIONAL ORIGIN

☐ RETALIATION ☐ AGE ☒ DISABILITY ☐ OTHER (*Specify below.*)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest	Latest
03-02-2009	**03-02-2009**

☐ CONTINUING ACTION

THE PARTICULARS ARE (*If additional paper is needed, attach extra sheet(s)*):

I began working for the above employer in 2000. In September 2008 I was injured on the job and as a result suffer from a disability that my employer was made aware of. After informing my supervisor of my condition and the lifting restriction given from my doctor, he required me to do tasks that involved lifting more weight than I was allowed to lift. As a result I was forced to take short term disability. I returned to work in March 2009 and was then discharged from my employment. I submitted a reasonable accommodation request form, but this was not considered before my discharge.

Given the above, I believe I was discriminated against on account of my disability in violation of the Americans with Disabilities Act of 1990, and ADA Amendments Act of 2008.

RECEIVED

SEP 19 2014

AT 8:30 M
WILLIAM T. WALSH CLERK

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY – *When necessary for State and Local Agency Requirements*

I declare under penalty of perjury that the above is true and correct.

6/18/09

Date *Charging Party Signature*

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (*month, day, year*)